

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

NOV - 5 2012

for the

District of New Mexico

MATTHEW J. DYKMAN
CLERK

United States of America)

v.)

Kevin C. VIGIL)

Case No. 12-MJ-2735

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 3, 2012 in the county of San Miguel in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 1852	Did cut or wantonly destroyed timber growing on the public lands of the United States.
18 USC 641	Did steal something of value of the United States.
18 USC 1001	Did knowingly and willfully make materially false, fictitious, or fraudulent statements.

This criminal complaint is based on these facts:

On 11-03-12, at approximately 1615 hours, United States Forest Service Law Enforcement Officer, Mark Sanburn, made contact with four male subjects that were cutting and loading timber into a stake bed truck. The timber was located on National Forest System Lands (NFS Lands). While talking with Kevin C. VIGIL, he stated that the timber that was already stacked onto a trailer came from private land nearby. He also provided a hand written document

☒ Continued on the attached sheet.

Complainant's signature

Mark Sanburn, Law Enforcement Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 5 Nov 12

Judge's signature

City and state: ALBUQUERQUE, NEW MEXICO

W. DANIEL SCHNEIDER

UNITED STATES MAGISTRATE JUDGE

Continuation of Criminal Complaint

which he claimed was provided by a private land owner which indicated he could harvest
timber off private property.
several miles. MS

While talking with Kevin C. VIGIL, he stated that the timber that was already loaded on his relatives' trailer was harvested off of private land nearby. VIGIL provided Officer Sanburn with a hand written document that he claimed was permission from the private land owner to harvest timber off the private property.

After interviewing VIGIL, he later admitted that he had lied to Officer Sanburn and that the large amount of timber that was already loaded on the trailer was actually harvested off of NFS Lands and not on private property. VIGIL indicated that he had knowledge of his unlawful actions.

It should be noted that Officer Sanburn observed the pick-up truck and trailer full of timber backed into and parked at the tree line at approximately 1600 hours. Approximately 15 minutes later, the pick-up truck and trailer had been moved from the tree line and onto FSR 363 where it was parked.

VIGIL admitted that he had cut at least four live/standing trees on NFS Lands. It should be noted that Officer Sanburn counted 15 fresh cut trees/stumps. VIGIL admitted that he and his relative cut all the standing trees, however, he was unsure as to how many of the 15 he actually cut.

It should be noted that the stump circumference of the 15 live/standing trees ranged from 2' 8" to 7' 6". A 7' 2" stump circumference tree measured approximately 70' in height and the 7' 6" stump circumference tree measured approximately 76' in height.



Complainant's Signature

Mark Sanburn, Law Enforcement Officer

Printed Name and Title

Sworn to before me and signed in my presence.

Date: 5 NOV 12



Judge's Signature

City and State: ALBUQUERQUE, NEW MEXICO

W. DANIEL SCHNEIDER
UNITED STATES MAGISTRATE JUDGE

Printed Name and Title